

H 4318

## CONGRESSIONAL RECORD — HOUSE

Downey	Aldee	Quillen
Durbin	Beck	Rahall
Dwyer	Bicker	Ravenel
Dymally	Bostmayer	Rhodes
Dyson	Palce	Richardson
Early	Agomarsino	Rinaldo
Eckart	Lancaster	Robinson
Edwards (CA)	Lantos	Rodino
Emerson	Leach (IA)	Roe
English	Leath (TX)	Rose
Erdreich	Lehman (CA)	Rostenkowski
Espy	Lehman (FL)	Roukema
Evans	Lent	Rowland (GA)
Fasell	Levin (MI)	Roybal
Fazio	Levine (CA)	Sabo
Feighan	Lipinski	Savage
Fish	Livingston	Sawyer
Flake	Lloyd	Saxton
Flippo	Lowry (WA)	Scheuer
Florio	Lujan	Schumer
Foley	Luken, Thomas	Sharp
Ford (MI)	Lungren	Shuster
Ford (TN)	MacKay	Sikorski
Frank	Manton	Sisk
Frost	Markey	Skaggs
Galleghy	Marlenee	Skeen
Garcia	Martinez	Skelton
Gaydos	Matsui	Slattery
Geldenson	Mazzoli	Slaughter (NY)
Gibbons	McDade	Smith (FL)
Gilman	McEwen	Smith (IA)
Glickman	McGrath	Smith (NE)
Gonzalez	McHugh	Smith (NJ)
Gordon	McMillen (MD)	Smith (TX)
Gradison	Mfume	Snowe
Grant	Mica	Solarz
Gray (IL)	Michel	Spratt
Gray (PA)	Miller (CA)	St Germain
Green	Mineta	Staggers
Guarini	Moakley	Stallings
Gunderson	Mollohan	Stark
Hall (OH)	Montgomery	Stokes
Hall (TX)	Moody	Stratton
Hamilton	Morella	Studds
Harris	Morrison (CT)	Stump
Hatcher	Morrison (WA)	Sweeney
Hawkins	Mrazek	Swift
Hayes (IL)	Murphy	Synar
Hayes (LA)	Myers	Tallon
Hefner	Nagle	Thomas (GA)
Hertel	Natcher	Torres
Hochbrueckner	Neal	Torricelli
Hopkins	Nelson	Towns
Houghton	Nichols	Trafficant
Howard	Nowak	Traxler
Hoyer	Oaker	Valentine
Hubbard	Oberstar	Vento
Huckaby	Obey	Visclosky
Hughes	Olin	Volkmer
Hutto	Ortiz	Walgren
Hyde	Owens (NY)	Watkins
Jacobs	Owens (UT)	Waxman
Jeffords	Panetta	Weiss
Jenkins	Parris	Wheat
Johnson (SD)	Patterson	Whitten
Jones (NC)	Pease	Williams
Jones (TN)	Pelosi	Wilson
Jonz	Pepper	Wise
Kanjorski	Perkins	Wolf
Kaptur	Pickett	Wolpe
Kastenmeyer	Pickle	Wyden
Kemp	Price (IL)	Yates
Kennedy	Price (NC)	Yatron
Kennelly	Pursell	Young (FL)

## NAYS—115

Archer	Daub	Hiler
Armey	Davis (IL)	Holloway
Badham	DeLay	Hunter
Baker	Dickinson	Inhofe
Ballenger	DioGuardi	Johnson (CT)
Bartlett	Dorman (CA)	Kasich
Barton	Dreier	Kolbe
Blirakis	Edwards (OK)	Konnyu
Boulter	Fawell	Kyl
Brown (CO)	Fields	Latta
Buechner	Frenzel	Lewis (CA)
Bunning	Gallo	Lewis (FL)
Burton	Gekas	Lightfoot
Chandler	Gingrich	Lott
Clinger	Goodling	Lowery (CA)
Coats	Grandy	Lukens, Donald
Coble	Gregg	Mack
Coleman (MO)	Hammerschmidt	Madigan
Combest	Hansen	Martin (IL)
Coughlin	Hastert	McCollum
Craig	Hefley	McMillan (NC)
Crane	Henry	Meyers
Dannemeyer	Hergert	Miller (OH)

Miller (WA)	Salk	Sundquist
Mohr	Schaefer	Swindall
Moorhead	Schneider	Tauke
Nielson	Schuetz	Taylor
Oxley	Sensenbrenner	Thomas (CA)
Packard	Shaw	Upton
Pashayan	Shumway	Vander Jagt
Penny	Slaughter (VA)	Vucanovich
Petri	Smith, Denny	Walker
Porter	(OR)	Weber
Regula	Smith, Robert	Weldon
Ridge	(NH)	Whittaker
Ritter	Smith, Robert	Wortley
Roberts	(OR)	Wylie
Rogers	Solomon	Young (AK)
Roth	Stangeland	
Rowland (CT)	Stenholm	

## NOT VOTING—33

Anthony	Duncan	McCurdy
AuCoin	Foglietta	Murtha
Bates	Gephardt	Rangel
Bentley	Horton	Ray
Bonior (MI)	Ireland	Roemer
Bonker	Leland	Russo
Borski	Lewis (GA)	Schroeder
Callahan	Martin (NY)	Schulze
Carper	Mavroules	Spence
Chapman	McCandless	Tauzin
Crockett	McCloskey	Udall

## □ 1320

Mr. NIELSON of Utah changed his vote from "yea" to "nay."

Mr. KILDEE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Mr. GRAY of Illinois. Pursuant to House Resolution 187 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2112.

## □ 1330

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. BEILSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2112, the Intelligence Authorization Act for fiscal year 1988. The principal purpose of this bill is to authorize appropriations for all of the intelligence or intelligence-related activities of the U.S. Government during fiscal

year 1988. As in the past, the actual amounts authorized are contained in a classified schedule of authorizations which is incorporated by reference and which is available, along with a classified annex to the committee's report, in the committee's offices.

Members who read both of the classified documents will recognize that, although the committee's recommendations are below those amounts requested by the administration, the committee has recognized the high priority which intelligence should enjoy within the larger national security budget. It has made appropriate recommendations so that all essential intelligence programs and activities have been funded. Most of the amounts authorized are in the defense budget.

Mr. Chairman, as it does every year, the committee has worked closely with the Committee on Armed Services to produce recommendations for the authorization of appropriations of intelligence-related activities over which the committees share jurisdiction. The amounts authorized by H.R. 2112 are therefore fully consistent with those authorized by H.R. 1748, the fiscal year 1988 defense authorization bill, as it passed the House. Both committees agreed on these amounts.

Cooperation and understanding between the two committees, which is fostered in large part by its cross-membership, is, I believe, one of the great unknown success stories of this body. I attribute it to the leadership of the chairman of the Committee on Armed Services, LES ASPIN, a former member of the Intelligence Committee and to former committee members such as BOB STUMP from Arizona, former ranking minority member, and, in particular, to the able representation which the Intelligence Committee receives from its two members of the Committee on Armed Services, DAVE MCCURDY and DAN DANIEL.

Mr. Chairman, in addition to the authorization of appropriations, H.R. 2112 contains a number of legislative provisions. There is a provision identical to that which was enacted in the fiscal year 1987 act that would limit assistance to the Contras to that specifically authorized by law.

There is a provision which effectively reinstates the application of section 502 of the National Security Act of 1947, requiring that all intelligence expenditures have been authorized by law. This same provision also provides authorization for a number of projects for which funds were appropriated in fiscal year 1987 without authorization. The provision also requires that, in the case of two programs, funds may not be spent unless they have been reprogrammed.

Finally, the bill would provide retirement and death-in-service benefits for certain former spouses of CIA personnel and extends authority for certain

June 9, 1987

## CONGRESSIONAL RECORD—HOUSE

H2319

personnel management authorities at the Defense Intelligence Agency. Last, the bill would establish a Commission on Intelligence Personnel Systems to review and analyze the several personnel management systems affecting intelligence community civilian personnel and to provide a report to the President and the Congress that would set forth recommendations for long-term, comprehensive personnel management goals and authorities for the various elements of the U.S. intelligence community.

Mr. Chairman, H.R. 2112 enjoys strong bipartisan support within the committee and represents, I believe, the product of an excellent working relationship by both members and staff to carefully assess the needs of intelligence and make recommendations that are consistent both with the national security and the state of the Nation's finances. I want to pay tribute to the ranking minority member of the committee, HENRY HYDE, for his thoughtful and cooperative approach and a strong vote of thanks to DICK CHENEY, the ranking minority member of the Subcommittee on Program and Budget Authorization who has worked tirelessly and extremely effectively in the long hours of deliberations and hearings that have produced this bill.

And, lastly, I want to pay tribute to the hard work, dedication, and high professionalism of the committee staff, particularly that of the Subcommittee on Program and Budget Authorization.

Mr. Chairman, this past year has marked one of upheaval for the U.S. intelligence community. William Casey, the Director of Central Intelligence, passed away. The Iran/Contra Committees of both the House and Senate have been investigating the activities of the intelligence community, among other actors, in the conduct of those operations. And, it is fair to say, I believe, that some very serious questions have been raised about the conduct of certain intelligence officers and the adequacy of the control, direction and guidance given the intelligence community on such matters as the Boland amendment.

Judge William Webster, formerly Director of the FBI, is now the Director of Central Intelligence. He is a man whose integrity and intellect are unquestioned and whose straightforward adherence to the rule of law has been demonstrated over years of public service. In many ways, he may be just what the U.S. intelligence community needs at this juncture.

But, Mr. Chairman, he faces a series of very difficult problems—formost among them, the restoration of trust between Congress and the executive branch. The state of relations between the committee and the Central Intelligence Agency is, at the moment, not good, nor is there any easy fix. It will take genuine and significant effort over the long haul by both branches to regain what has been lost.

Equally as serious, U.S. security and counterintelligence capabilities have been severely questioned in the past or two. Improvements and renewed emphasis are in order. Lastly, the repercussions of the Iran/Contra investigations are likely to produce a number of recommendations for improvements in several aspects of intelligence operations and oversight.

Mr. Chairman, all these problems will take the best efforts of both branches and the continued appointment of qualified professionals of integrity to meet the challenges of the next several years. The committee is dedicated to do its part, including the provisions of necessary funding, but it will be difficult to convince a skeptical House of the validity of committee recommendations without the basic cooperation of all intelligence agencies and officials. I believe that director Webster is dedicated to restoring trust and cooperation. The committee wishes him well.

Mr. Chairman, I reserve the balance of my time.

□ 1335

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Let me say first, Mr. Chairman, what a genuine pleasure it is to work with the chairman of this committee, the Honorable Louis STOKES of Cleveland.

Mr. Chairman, I have served on the committee under a previous chairman LEE HAMILTON of Indiana and I know well the first chairman of the House Permanent Select Committee on Intelligence, the Honorable EDWARD BOLAND of Massachusetts. I cannot imagine three more patriotic, effective gentlemen than these three. I thought it would be pretty hard to top Mr. HAMILTON and Mr. BOLAND, but I must say Mr. STOKES is right up there with them. It is really a pleasure. I have learned a great deal.

I wanted to say that and, as you know, Mr. Chairman, Members take the credit but the staff does the work.

Both the majority and the minority staff, although we on the committee like to think everybody's staff belongs to everybody—and that is certainly true, particularly in matters of the budget. Mr. Latimer, Mr. O'Neal Mr. Paga, Mr. Andrews, Mr. Raimo, Mr. Surette, Mr. Fitch, Mr. Smeeton, Mr. Nelson, Diana Dornan, and others. They are superb, they have made us, I think, a superb committee.

Mr. Chairman, I rise in support of the bill, H.R. 2112, the Intelligence Authorization Act for fiscal year 1988. The bill, as reported from the Intelligence and Armed Services Committees, is basically noncontroversial. It authorizes classified amounts for appropriations for the conduct of intelligence and intelligence-related activities of the various elements of our

Government involved in intelligence and counterintelligence programs.

This legislation provides or extends various administrative authorities for intelligence agencies. It also authorizes appropriations of \$194,700,000 for the Central Intelligence Agency retirement and disability system, as requested by the President, and it provides for a death-in-service benefit for CIA former spouses and retirement benefits for certain CIA former spouses. Another administrative provision of the bill would create a commission to study the personnel systems of the intelligence community and report to the President and Congress, within 9 months of the date of enactment, on its findings and recommendations.

H.R. 2112 maintains the status quo with respect to restrictions on support for military or paramilitary operations in Nicaragua by carrying forward the exact language contained in last year's Intelligence Authorization Act. In short, this bill continues unchanged the policy that funds available to the CIA, the Defense Department or other agencies or entities of the United States involved in intelligence activities may be obligated or expended in fiscal year 1988 for such support only as authorized by law. Of course, we all expect the controversial issue of further aid to the Nicaraguan democratic resistance to be addressed later this year when the President submits a formal request for such assistance for the next fiscal year.

In conclusion, let me point out that the administration supports passage of this bill. My friend and colleague, the distinguished chairman of the intelligence committee, Mr. STOKES, has shepherded a good bill to the floor today. I support its passage, and I urge the House to approve it.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wyoming (Mr. CHENEY) whose contribution to this bill and to the work of the committee is invaluable.

Mr. CHERRY. I thank the gentleman for yielding.

Mr. Chairman, I will be very brief. Mr. Chairman, I want to join with my colleague, Mr. HYDE, in thanking the chairman of the committee for the fair and objective and impartial way he presides over a very difficult task. This is a fascinating committee on which to serve in part because everything we do takes place in executive session for obvious reasons. So there is not always the public accord and approval that many Members experience when they serve on more public committee.

It has been possible for us to come together from a wide variety of backgrounds and with widely differing philosophies and opinions on the issues of the day, to come together in an extended set of hearings, a great deal of effort and address some very difficult and complex issues and put together what I think is an excellent bill.

H 4320

CONGRESSIONAL RECORD HOUSE

June 9, 1987

It has been a special privilege for me to have the opportunity to serve this year as the ranking member on the Subcommittee on Program and Budget and to work with Mr. STOKES, who serves in a dual capacity not only as chairman of the subcommittee but also chairman of the full committee.

Mr. Chairman, I want to strongly urge my colleagues to approve the legislation and to join with both the chairman and the ranking member of the full committee and thanking the staff for what I think has been an excellent job.

Mr. HYDE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered as having been read.

The Clerk will designate section 1.

Mr. STOKES. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill is as follows:

H.R. 2112

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988".*

#### TITLE I—INTELLIGENCE ACTIVITIES

##### AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1988 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

##### CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. (a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1988, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2112 of the One Hundredth Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(b) For purposes of paragraph (1), the term "nonheadquarters personnel" means members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities.

##### PERSONNEL CEILING ADJUSTMENTS

Sec. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1988 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

##### RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

Sec. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

##### UNAUTHORIZED APPROPRIATIONS

Sec. 105. (a) Notwithstanding section 9126 or section 9133 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of the joint resolution entitled "Joint resolution making continuing appropriations for fiscal year 1987, and for other purposes", Public Law 99-500 and Public Law 99-591), only funds specifically authorized by the Congress in accordance with section 502 of the National Security Act of 1947 may be obligated or expended for intelligence or intelligence-related activities.

(b) All intelligence or intelligence-related activities for which funds were appropriated in the Defense Appropriations Act, 1987 and which are listed in that part of the Schedule of Authorizations (referred to in section 101(a)) entitled "Unauthorized Appropriations, Fiscal Year 1987" shall be considered specifically authorized by Congress pursuant to section 502 of the National Security Act of 1947.

(c) Those intelligence or intelligence-related activities for which funds were appropriated in the Defense Appropriations Act, 1987 and which are listed in that part of the Schedule of Authorizations (referred to in section 101(a)) entitled "Unauthorized Appropriations for Reprogramming, Fiscal Year 1987" shall be considered specifically authorized by Congress only for the purposes of section 502(a)(3) of the National Security Act of 1947.

#### TITLE II—INTELLIGENCE COMMUNITY STAFF

##### AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1988 the sum of \$24,972,000.

##### AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized 237 full-time personnel as of September 30, 1988. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1988, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1988, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

##### INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Sec. 203. During fiscal year 1988, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

#### TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1988 the sum of \$134,700,000.

#### TITLE IV—RETIREMENT AND DEATH IN SERVICE BENEFITS

##### RETIREMENT BENEFITS

Sec. 401. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end the following new section:

##### "RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES"

"Sec. 225. (a) Any individual who was a former spouse of a participant or a former participant on November 15, 1982, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant,

June 9, 1987

## CONGRESSIONAL RECORD — HOUSE

H 421

equal to 50 percent of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse is less than 50 years of age.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service benefits are based becomes entitled to benefits under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's 50th birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date the benefits of the participant terminate.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this title (other than a disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under section 222(a)(6) for purposes of section 221(g)(2) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, within 30 months after the effective date of this section. The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.

"(B) Upon approval of an application as provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) The Director shall—

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

"(2) to the maximum extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or a former participant on November 15, 1982, of any rights which such individual may have under this section.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title."

(b) Section 14(a) of the Central Intelligence Agency Act of 1949 is amended by inserting "225," after "223, 224,".

## DEATH IN SERVICE BENEFITS

Sec. 492. (a) Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403(b) note) is amended—

(1) by inserting "(1)" before "If a participant";

(2) by striking all that follows "as defined in section 204," and inserting in lieu thereof "or by a former spouse qualifying for a survivor annuity under section 222(b), such widow or widower shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this Act. The annuity of such widow, widower, or former spouse shall commence on the date following death of the participant and shall terminate upon death or remarriage prior to attaining age sixty of the widow, widower, or former spouse (subject to the payment and restoration provisions of sections 221(g) and 222(b)(3))"; and

(3) by adding at the end the following new paragraphs:

"(2) The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's average basic salary, or (B) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between the participant's age at the time of death and age sixty.

"(3) Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a widow or widower under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B)."

(b)(1) Section 221(o)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by inserting "232(b)," after "222, 223,".

(2) Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(A) in subsection (b) by inserting "and (3)" after "subsection (c)(2)"; and

(B) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) a new paragraph as follows:

"(3) Section 232(b)."

(3) Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a(a)) is amended by inserting "232(b)," before "234(c), 234(d)."

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

(2) The amendment made by subsection (b)(2) shall take effect on January 1, 1987, the effective date of the Federal Employees' Retirement System Act of 1986.

(d) Nothing in this section or any amendment made by this section shall be construed to require the forfeiture by any individual of benefits received before the date of the enactment of this Act.

TITLE V—DOD INTELLIGENCE PERSONNEL IMPROVEMENTS  
DIA CIVILIAN UNIFORM ALLOWANCE  
ADJUSTMENT

Sec. 501. (a) Chapter 83 of title 10, United States Code, is amended by inserting after section 1605 the following new section:

"§ 1606. Civilian Uniform Allowance

"Notwithstanding the provisions of subsection 5001(a) of title 5, United States Code, of funds appropriated annually for the Defense Intelligence Agency, the Secretary of Defense is authorized to pay a uniform allowance for civilian employees of the Defense Attache Offices outside the United States who are required by Agency regulations to wear a prescribed uniform in performance of official duties an amount not to exceed \$360 annually, or such amount as is provided for similar employees of the Department of State, whichever is greater."

(b) The table of contents for chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following:

"Sec. 1606. Civilian Uniform Allowance."

## TERMINATION AUTHORITY—DIA CIVILIAN EMPLOYEES

Sec. 502. Paragraph 1604(e)(1) of title 10, United States Code, is amended by striking "during fiscal years 1986 and 1987," and inserting in lieu thereof "during fiscal year 1988."

## PERSONNEL MANAGEMENT AUTHORITY—DOD MILITARY INTELLIGENCE PERSONNEL

Sec. 503. Paragraph 1590(e)(1) of chapter 81 of title 10, United States Code, is amended by striking "during fiscal year 1987," and inserting in lieu thereof "during fiscal year 1988."

## TITLE VI—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

## COMMISSION ON INTELLIGENCE PERSONNEL SYSTEMS

SEC. 601. (a) ESTABLISHMENT, PURPOSE.—There is hereby established a commission to be known as the Commission on Intelligence Personnel Systems. The Commission shall conduct a comprehensive review and comparative analysis of all personnel management and compensation systems affecting civilian personnel of agencies and other entities of the intelligence community with a view to determining the adequacy of existing personnel systems and any changes that should be made in such systems.

(b) MEMBERS.—(1) The Commission shall consist of three members. The President, the Speaker of the House of Representatives (after consultation with the minority leader of the House), and the majority leader of the Senate (after consultation with the minority leader of the Senate) shall each appoint one member. The member appointed by the President shall be the chairman of the Commission.

(2) Members of the Commission shall be appointed from among persons outside the Government who by reason of training, background, education, and experience in intelligence matters and personnel systems are highly qualified to study the matters described in subsection (a).

(3) Members of the Commission shall be paid at the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel-time) that they are engaged in the business of the Commission.

(4) A member of the Commission shall not be considered to be a Federal employee except for purposes of—

(A) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and



June 9, 1987

H 4322

## CONGRESSIONAL RECORD — HOUSE

(B) chapter 171 of title 28, United States Code, relating to tort claims.

(c) **STAFF.**—(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) **SUPPORT.**—Upon request of the Commission, the Director of Central Intelligence, the Director of the Intelligence Community Staff, and the heads of the elements of the intelligence community may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section and may provide to the Commission such administrative support services as the Commission may require.

(e) **FUNDING.**—Of the amount available to the Intelligence Community Staff for fiscal year 1988 under section 201, \$500,000 shall be available for the Commission.

(f) **REPORT.**—Not later than nine months after the date of the enactment of this Act, the Commission shall submit to the President and to Congress a report setting forth its findings and conclusions and such recommendation (including recommendations for legislation) as the Commission considers appropriate.

## AMENDMENTS OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer several technical amendments.

The Clerk read as follows:

Amendments offered by Mr. STOKES: Page 11, line 13, insert ", to the extent of available appropriations," after "shall be entitled".

Page 11, line 17 insert ", to the extent of available appropriations," after "shall be entitled".

Page 13, strike out line 20 and all that follows through line 25 on page 14 and insert in lieu thereof the following:

TITLE V—DEFENSE INTELLIGENCE PERSONNEL IMPROVEMENTS  
DIA CIVILIAN UNIFORM ALLOWANCE

SEC. 501. (a) **COMPARABILITY WITH STATE DEPARTMENT EMPLOYEES.**—Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1606. Uniform allowance: civilian employees

"(a) The Secretary of Defense may pay an allowance under this section to any civilian employee of the Defense Intelligence Agency who—

"(1) is assigned to a Defense Attache Office outside the United States; and

"(2) is required by regulation to wear a prescribed uniform in performance of official duties."

(b) Notwithstanding section 5901(a) of title 5, the amount of any such allowance shall be the greater of the following:

"(1) The amount provided for employees of the Department of State assigned to posi-

tions outside the United States and required by regulation to wear a prescribed uniform in performance of official duties.

"(2) \$360 per year.

"(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1606. Uniform allowance: civilian employees."

**EXTENSION OF SPECIAL TERMINATION AUTHORITY FOR CERTAIN DOD INTELLIGENCE EMPLOYEES**

SEC. 502. (a) **DEFENSE INTELLIGENCE AGENCY.**—Section 1604(e)(1) of title 10, United States Code, is amended by striking out "during fiscal years 1986 and 1987" and inserting in lieu thereof "during fiscal year 1988".

(b) **MILITARY DEPARTMENTS.**—Section 1590(e)(1) of such title is amended by striking out "during fiscal year 1987" and inserting in lieu thereof "during fiscal year 1988".

## EFFECTIVE DATE

SEC. 503. The amendments made by this title shall take effect on October 1, 1987.

Page 16, line 2, insert "a rate not to exceed" after "daily equivalent of".

Page 17, after line 22, insert the following new title:

TITLE VIII—GENERAL PROVISIONS  
RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

## INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Mr. STOKES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Chairman, these amendments, which have been cleared with the ranking minority member, the gentleman from Illinois, are technical in nature.

The amendment to title IV adds language contained in section 401 that was inadvertently omitted from section 402. The language is necessary to cure what the Budget Committee deems to be a technical violation of section 401(b)(1) of the Budget Act, concerning new entitlement authority.

The amendment to title V, which is a technical redraft of title V, as reported, corrects style errors and postpones the effective date of these provisions until October 1, 1987. To avoid a technical violation of clause 5 of rule XXI, for which the rule adopted for

consideration of this bill granted a waiver.

The amendment to title VI cures what the Budget Committee deems to be a technical violation of section 302(f) of the Budget Act, concerning program level ceilings.

The last amendment adds a new title VII to the bill, containing general provisions heretofore included in each of the previous intelligence authorization acts going back to fiscal year 1979, and inadvertently omitted from the bill as reported.

In regard to the amendments correcting technical violations of the Budget Act, the appropriate technical waiver letters were sent to the Rules Committee by the Budget Committee and the rule adopted contains the requisite waivers.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, the minority agrees with the statement of the committee chairman and asks for adoption of the technical amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio (Mr. STOKES).

The amendments were agreed to. At the end of the bill, add the following:

## TITLE VII—MOUNT ALTO EMBASSY SITE

## ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY

SEC. 701. (a) **REVIEW AND ASSESSMENT.**—The Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than 90 days after the date of the enactment of this Act.

(b) **DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.**—The report required by subsection (a) shall include a determination by the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Government of the Soviet Union is consistent with the national security of the United States.

(c) **CLASSIFICATION OF REPORT.**—The report required by subsection (a) shall be submitted in both a classified and unclassified form, except that the determination required by subsection (b) shall be submitted in an unclassified form.

(d) **LIMITATION ON DELEGATION.**—The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

## AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. BROOMFIELD: Mr. BROOMFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

June 9, 1987

## CONGRESSIONAL RECORD — HOUSE

H 4323

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I have discussed this with the chairman and the ranking member, but I would like to take a moment or two to explain briefly what this amendment does.

Mr. Chairman, my amendment requires the Secretary of Defense to assess the communications security impact of Soviet use of Mount Alto in the District of Columbia, and to report thereon to the Congress.

The amendment is identical to the amendment I offered that the House adopted 3 weeks ago as part of the Defense Authorization Act.

The Soviet Union uses its diplomatic facilities in the United States to engage in electronic espionage designed to intercept sensitive United States communications.

Consequently, the proposed new Soviet Embassy on Mount Alto poses serious concern for the security of United States Government diplomatic, military, and intelligence communications.

The amendment I have offered will make available to the President and the Congress a thorough evaluation of the effect of Soviet use of Mount Alto on the Security of United States communications.

That evaluation will assist in improving the security of United States communications and in deciding how to proceed on the reciprocal questions of Soviet use of Mount Alto and United States use of the proposed new United States Embassy in Moscow.

As the Executive agent of the U.S. Government for communications security, the Secretary of Defense is the appropriate officer of the Government to conduct the evaluation.

After making his review and assessment, the Secretary of Defense will, of course, consult the Secretary of State, the Director of Central Intelligence, and the Director of the FBI before making the determination and report required by the amendment.

The amendment will ensure that the President and the Congress have important information they need to determine how best to protect United States diplomatic, military, and intelligence activities from Soviet espionage.

I urge my colleagues to support the amendment.

□ 1350

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the committee chairman.

Mr. STOKES. Mr. Chairman, as the gentleman from Michigan has noted, this amendment was adopted by the House during consideration of H.R. 7128, the Department of Defense Au-

thorization Act for Fiscal Year 1988. It is acceptable to the committee.

Mr. BROOMFIELD. Mr. Chairman, I thank the chairman of the committee.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the ranking minority member.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

We, too, have examined this amendment. It is an excellent amendment, and we are pleased to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The amendment was agreed to.

The CHAIRMAN. Are there any additional amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PENNY], having assumed the chair, Mr. BEILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 187, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

[Mr. BUSTAMANTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FEDERALLY MANDATED  
EMPLOYEE BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. FLIPPO] is recognized for 5 minutes.

Mr. FLIPPO. Mr. Speaker, I rise today to call attention to House Resolution 188, which promotes responsible consideration of small business and the overall economy whenever federally mandated employee benefits are enacted.

As an original sponsor of this resolution, I strongly support the ideal that Congress should always seek to promote economic growth and improvements in our country's quality of life. Yet, to advance these goals, Congress must be fully informed of the effect of Federal legislation on the Nation's economy and our competitive position in international markets.

Since the Federal Government cannot afford to fund new employee benefits because of current budget deficit burdens, it is a seemingly attractive option to pass the costs of mandated benefits directly onto employers. Such actions affect immediately millions of small businesses attempting to grow and provide new employment opportunities.

The 100th Congress is now considering several bills which address important issues affecting the American people and their workplaces. This resolution does not prejudice the merits of any one of these initiatives. House Resolution 188 does call on each House committee reporting legislation that requires employers to provide new employee benefits, to secure an objective analysis of the impact of federally mandated benefits on employers, especially small business, the general economy, and the employees, for whom the real issue is still the job.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

[Mr. PEASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 60 minutes.

[Mr. OLIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. MOODY] is recognized for 60 minutes.

[Mr. MOODY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]